

Exhibit A

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

LANEY MARIE GRINER and SAM GRINER

Plaintiffs,
v.

Case No: 1:20-cv-03848-RJL

STEVEN ARNOLD KING, KING FOR
CONGRESS, WINDRED, INC, and DOES 1-10,

**DECLARATION OF GERRIT
LANSING ON BEHALF OF
WINRED TECHNICAL
SERVICES, LLC.**

Defendants.

Comes Now Gerrit Lansing, President of WinRed, Inc. (“WinRed”) and WinRed Technical Services, LLC (“WRTS”), and states as follows:

1. I am the President of WinRed, which is a Delaware Corporation. (**Exhibit B, Annual Report of WinRed, Inc.**) WinRed’s office is located at 1776 Wilson Blvd. Arlington, VA 22209. I am over the age of 18 and authorized to make these statements on behalf of the Corporation.
2. I make the statements below based on my personal knowledge, information, and belief.
3. I have reviewed Plaintiffs’ Complaint in the above captioned action and am familiar with the contents therein.
4. WRTS is a technology vendor that creates websites and related infrastructure to process and distribute contributions to various political committees. WRTS created the website <https://winred.com> and provided the online payment infrastructure for the webpage referenced by Plaintiffs as “WinRed” in Paragraph 20 of the Complaint. *See Compl. ¶ 20.*
5. WinRed is a non-connected political action committee (“PAC”), registered with the Federal Election Commission (“FEC”), that receives incoming “earmarked” contributions and distributes the funds to political committees. An “earmarked” contribution is simply a donation

designated by the donor for a specific political committee, and that contribution cannot be sent anywhere else. The PAC has no discretion over the timing, recipient, or amount of earmarked contributions.

6. While WRTS and WinRed share “WinRed” in their name, they are each separately incorporated entities.

7. WinRed is a client of WRTS, *i.e.* WRTS created the website and provides the online payment infrastructure and the payment processing technology for WinRed. WinRed, in turn, accepts the contributions through the website, and distributes the contributions to the recipient political committees at the donor’s direction. For its services, WRTS receives a small fee from the recipient committee, which is calculated as a small percentage of the contributions made through WinRed.

8. WRTS and WinRed provide online contribution services for committees and donors located in every state throughout the United States via the website winred.com.

9. WinRed does not own or operate a website at www.steveking.com, jointly or otherwise. *Contra* Compl. ¶ 19. Nor does WRTS. In fact, WinRed and WRTS are not involved in the management or operations of *any* political committees’ websites beyond those pages hosted on the WinRed platform itself, nor does WinRed provide any of the infrastructure for other committees’ websites. Instead, Winred’s website operates as a donation-processing platform that political committees may use to create individualized pages and independently solicit contributions using those pages. Contributions made through those pages then pass through WinRed’s committee account as a conduit to the above-referenced earmarked committees.

10. WinRed’s principal place of business is in Virginia. (*See Exhibit B*). WinRed has no office in the District of Columbia. WinRed does not own, lease, possess, or maintain any real or

personal property in Washington, D.C. WinRed does not pay income taxes of any kind in the District of Columbia. WinRed does not maintain any bank or savings or loan accounts in the District of Columbia. WinRed does not maintain a telephone listing in the District of Columbia.

11. In short, WinRed is no more active in the District of Columbia than it is in any other state in the country.

12. WinRed's only interaction with the District of Columbia is when its website functions as an online conduit between donors located in the District and recipient committees (similar to any other state where donors contribute via WinRed's online platform), or when donations are "conducted" via WinRed's website to *recipient committees* based in the District. These contacts are no different from WinRed's contacts with all other states throughout the country. WinRed does not specifically target or direct its online services toward the District in any way. Instead, all contacts WinRed may have with the District are an incidental consequence of providing online services that are accessible throughout the entire country, including in the District.

13. WinRed and WRTS do not solicit donors to visit the website and make contributions. All contributions solicited from individuals that then pass through the WRTS platform are the result of actions by the committees who use the platform.

14. Based on personal knowledge, information, and belief, the following generally summarizes the webpage creation, contribution, and fundraising process:

- A political committee contracts with WRTS to set up a WinRed contribution page for the committee according to the committee's specifications;
- Pursuant to an end user agreement between WRTS and the political committee, the political committee uses WRTS to create a webpage according to the committee's specifications;
- The political committee may then solicit contributions by sharing a link to this webpage via its chosen means, including by posting it on social media platforms (like Facebook);
- Potential contributors may then click the link in order to donate if they choose to do so;

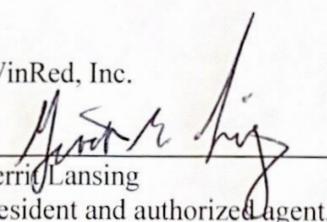
- The link directs the potential contributor to the website created by WRTS and the recipient political committee;
 - The contributor then enters the information requested on the website and contributes the amount she chooses to the recipient political committee;
 - The contribution (so long as it is a contribution to a federal committee) goes to WinRed (the PAC);
 - The contribution then passes through the PAC and is distributed to the political committee within 10 days.
15. The end user license agreement between WRTS and political committees referenced above, which is publicly accessible on WinRed's website at <https://winred.com/terms/donor-terms/>, includes an agreement that committees using WinRed's platform to create contribution pages will not "upload, post, reproduce, or distribute any information, software, or other material protected by copyright or any other intellectual property right (as well as rights of publicity and privacy) without first obtaining the permission of the owner of such rights." (**Exhibit C, End User Terms of Use.**)
16. Pursuant to the end user agreement, a committee user further agrees it will not "post any content that is unlawful, harmful, tortious, . . . invasive of the privacy of another person, . . . infringing, . . . [or that] violates the privacy publicity of any other individual or entity," and by posting any content on or through the Platform a committee "represent[s] and warrant[s] that [it] own[s] the content submitted, displayed, published or posted" on the Platform and "otherwise ha[s] the right to grant the license set forth herein," and that "the displaying, publishing or posting of any content you submit, and our use thereof does not and will not violate the privacy rights, publicity rights, copyrights, . . . or any other intellectual property rights or other rights of any person or entity." (**Exhibit C.**)
17. A committee user also agrees to "indemnify and hold TS, WinRed Inc. ("WinRed"), and their parents, subsidiaries, officers, employees, and website contractors and each of their

officers, employees and agents ("Indemnified Parties") harmless from any claims, damages and expenses, including reasonable attorneys' fees and costs, related to [its] violation of these Terms, including the Posting Policy, or any violations thereof by [its] dependents or which arises from the use of User Content [it] submitted, posted, or otherwise provided to TS or this Platform," and that "TS assumes no liability for any information removed from our Platform, and reserves the right to permanently restrict access to the Platform or a user account." **(Exhibit C.)**

18. WinRed's website also includes a publicly accessible "Proprietary Rights Complaint Process and Notification Form", available at <https://winred.com/proprietary-rights-complaint/>, that copyright owners can submit if they believe their rights have been violated in any way, and provides WRTS's agent information pursuant to the Digital Millennium Copyright Act. **(Exhibit D.)** This form outlines the full process that WRTS adheres to upon receipt of any such complaint.

Further Declarant sayeth naught.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on this 18th of March, 2021.

WinRed, Inc.
By: 
Gerrit Lansing
President and authorized agent, WinRed, Inc.